

### DRAWING AMENDMENTS

Pursuant to 37 CFR 1.84, please amend the drawings by entering the attached papers identified "Replacement Sheets" which are presented in the APPENDIX.

## REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant. Reconsideration of the application is respectfully requested.

As the Office Action was “Final”, this reply is submitted with a Request for Continuing Examination (RCE) under the provisions of 37 C.F.R. §1.114.

### **1. Summary of the Office Action.**

The drawings were objected to.

The disclosure was objected to.

Claims 1, 4, 8, 10 and 20/23 were pending.

Claims 1, 4, 8, 10 and 20-23 stand rejected under 35 U.S.C §103(a) over Turudich (US Publication No. 2004/0021347) in view of Gordon (4,613,187).

### **2. Discussion.**

#### **Drawing Objection**

Responsive to the drawing objection, enclosed is a red-lined proposed drawing correction for the examiner's consideration. Upon the close of prosecution, and with the examiner's approval, corrected formal drawings will be submitted.

### Specification Objection

The specification was objected to under 37 CFR 1.75(d)(1) and MPEP 608.01(o) with respect to claims. Applicant has canceled claim 8 in this Reply. Withdrawal of the objection is requested.

### Claim Objections

**Claims 10 and 21.** These claims were objected to as being informal. Applicant amended the claims to correct the informality. The examiner is thanked for pointing this informality out. Withdrawal of the objection is believed to be in order.

### Claim Rejections - 35 USC 103

**Claim 1.** This claim was rejected under 35 USC §103 as being obvious over Turudich in view of Gordon. In response to the rejection applicants assert that (1) the combination of applied references falls short of fully meeting the claim as previously presented, (2) it would not be obvious to combine the light battery holder tube of Gordon to the seat vibrating motor of Turudich, and (3) the Turudich reference should be removed from consideration as a reference under 37 CFR 1.131.

*(1) The Combination Falls Short of Meeting the Claim.* The combination of applied references does not meet each and every element set forth in the claim as filed. The claim requires, in combination with several other elements, that a **tube tunnel extend from the front to the back along the length of a bicycle seat**. Neither Turudich nor Gordon show this element. Turudich shows no tube tunnel whatsoever. As is shown in the drawings and discussed at

paragraph [0010] the vibrator 11 is “affixed to the under surface” of the saddle 10. Gordon shows in FIGS. 1 and 2 and describes in col. 3, lines 30-35 and col. 4, lines 35-37 a seat bar disposed **transversely** of the frame/wheels of a bicycle for supporting the entire **width** of a buttocks to completely avoid and replace a conventional bicycle seat arrangement. This difference between the claimed invention and the applied references is believed to be unobvious because it relates directly to benefits applicant’s structure provides in terms of providing therapeutic massage in the context of a conventional seat structure. In conclusion, as the combination of references relied upon still lack all of the limitations of the claim, such combination of limitations renders the subject matter patentable, and withdrawal of this rejection is believed to be warranted.

**(2) *The combination is not obvious.*** Additionally, applicant believes that it would not be obvious to combine the light battery holder tube of Gordon with the seat vibrating motor of Turudich. Firstly, Gordon does not mention mechanical vibration and Turudich does not mention lighting. So, no express suggestion exists in the combination taken as a whole. Further, Gordon’s lighting device for safety is substantially different than Turudich’s mechanical vibrating system for comfort. The two systems have different functional goals, and structural and functional requirements. Withdrawal of the rejection is believed to be warranted for this reason in addition.

**(3) *Turudich Should Be Removed As a Reference.*** Finally, applicant hereby swears behind Turudich (2004/0021347). Applicant conceived the claimed invention prior to the effective date of Turudich, which is its filing date, August 5, 2002. Applicant's conception date is evidenced by invention disclosure notes of applicant, Paul Probst, which substantially disclosed the claimed invention. Enclosed is a Declaration of applicant, Paul Probst under 37 CFR 1.131 in support of removal of Turudich as a prior art reference. Applicant therefore submits that Turudich should be eliminated from consideration, and the rejection withdrawn for this further reason.

**Claim 24.** This independent claim is new. It has all of the limitations of claim 1 as previously filed.

Additionally, the claim requires the following elements as shown below with respect to previously filed claim 1, wherein added material is underlined and deleted material is double bracketed.

(a) a seat having a shell with a top and an underside, the shell having a front, a back, and a predetermined length along a long axis extending from the front to the back, and a pair of parallel, spaced apart rods connected to the shell underside and disposed in a front to back orientation, the seat being adapted for use with a bicycle having a frame and a pair of wheels, whereby when the seat is operatively placed, the long axis of the seat is substantially parallel to the plane of the frame and wheels of the bicycle;

This additional structure and function is clearly not shown or suggested in the applied references.

In clear contrast, Gordon's disclosure avoids a seat shell altogether and in place has a bar which, in col. 3, lines 30-35 and col. 4, lines 35-37, is disclosed as being disposed in a transverse, non-planar orientation with respect to the frame and wheels. The new independent claim is believed to be patentable for this reason in addition to those urged with respect to previously filed claim 1, from which this claim is based.

**Remaining Claims.** The remaining dependent claims each adds at least one limitation to the elements of its base claim, and is therefore deemed to be allowable with such base and any intervening claim, at least for this reason.

### **3. Conclusion.**

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

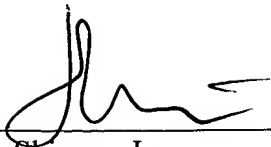
**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

<u>Any fees due are calculated as follows:</u>	<u>Number</u>	<u>Fee</u>
TOTAL claims remaining over that previously paid for:	None	\$0
INDEPENDENT claims remaining over that previously paid for:	None	\$0
	SUM claim fees:	\$0
EXTENSION fees:		\$0
OTHER fees: RCE		\$395.00
	<u>TOTAL AMOUNT (if any)</u>	\$395.00
<input type="checkbox"/> Paid by enclosed check.		
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Respectfully submitted,



Joel D. Skinner, Jr.  
Reg. No. 33,786

Date: 6-13-06

Skinner and Associates  
212 Commercial Street  
Hudson, Wisconsin 54016  
Tel.: (715) 386-5800  
FAX: (715) 386-6177

cc: Paul Probst (For Records)

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